



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,576	11/30/2001	Yves Audebert	JEL L741.01110	3802

7590 11/12/2008
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, DC 20036

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
----------	--------------

3696

MAIL DATE	DELIVERY MODE
-----------	---------------

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/996,576	Applicant(s) AUDEBERT ET AL.	
	Examiner Clement B. Graham	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-23 and 25-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-23 and 25-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 26, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "transaction request", "accessing", "comparing", "sending", "requesting", "authorization", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-23, 25-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Freney, Jr U.S Patent 6, 970, 850 in view Tsionis et al (Hereinafter Tsionis US Pub: 2001,0039535).

As per claim 1, Freney, Jr discloses a network enabled online transaction risk management system comprising;
at least one financial services server for processing financial transaction requests received over said network for at least one customer account wherein preferences for said at least one customer account are remotely configurable over said network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9

Art Unit: 3696

line 65 and column 10 lines 1-47) at least one client in processing communications with said at least one financial services server over said network including means for remote configuration of said at least one customer account using one or more customer preferences, at least one point of sales terminal in processing communications with said at least one financial services server including means for performing said financial transaction with said financial services server.(Note abstract and see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

Freeny, Jr fail to explicitly teach said one or more customer preferences includes notification methods and said system comprises a notification section for performing said notification methods, said notification methods further includes authorization methods and said system further comprises an authorization section for performing said authorization methods, an authorization request sent to said at least one customer using said notification section if a characteristic of said financial transaction exceeds said one or more customer preferences.

However Tsiounis discloses if payment with a payment tender type was not preauthorized, PT Server gets the customer's confidential payment information and the transaction information (step 440) and verifies the information (step 445). PT Server transmits the customer's confidential payment information to Transaction Processor (FIG. 3, step 34). Transaction Processor receives payment requests from PT Server 140 (and in some cases, from PAN Server 120), and redirects them to the financial institution that issued the chosen payment tender. The financial institution verifies the Transaction in real time and sends the request back to Transaction Processor. If the funds are available to clear the transaction, Transaction Processor authorizes payment and informs PT Server (FIG. 3, step 35) (see column 4-5 para 0052 and column 6 para 0063, 0068, and column 8 para 0088).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Freeny, Jr to include said one or more customer preferences includes notification methods and said system comprises a notification section for performing said notification methods, said notification methods

Art Unit: 3696

further includes authorization methods and said system further comprises an authorization section for performing said authorization methods, an authorization request sent to said at least one customer using said notification section if a characteristic of said financial transaction exceeds said one or more customer preferences taught by Tsiounis in order to provide a plurality of servers on a network to perform separated or isolated image processing desired by a user, wherein the communication system and the method make it possible to improve the speed of image processing on a network platform at reduced costs.

As per claim 4, Freeny, Jr discloses wherein said one or more customer preferences includes transaction limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 5, Freeny, Jr discloses wherein said one or more customer preferences includes authorization limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 6, Freeny, Jr discloses wherein said one or more customer preferences includes account suspension limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 7, Freeny, Jr discloses wherein said one or more customer preferences includes single transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 8, Freeny, Jr discloses wherein said one or more customer preferences includes cumulative transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 9, Freeny, Jr discloses wherein said one or more customer preferences includes an applicable time period (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 10, Freeny, Jr wherein said at least one financial services server authenticates said at least one customer before allowing said at least one customer

Art Unit: 3696

access to said at least one customer account (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 11, Freeny, Jr discloses wherein said communications is performed using a secure messaging protocol (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 12, Freeny, Jr discloses wherein said network includes the Internet. (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 13, Freeny, Jr discloses wherein said network includes a public telephone service network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 14, Freeny, Jr discloses wherein said network includes a cellular telephone network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 15, Freeny, Jr discloses wherein said network includes a cable television network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 16, Freeny, Jr discloses wherein said notification section includes a cellular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 17, Freeny, Jr discloses wherein said notification section includes a pager (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 18, Freeny, Jr discloses wherein said notification section includes a regular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 19, Freeny, Jr discloses wherein said notification section includes electronic mail (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

Art Unit: 3696

As per claim 20, Freeny, Jr wherein said notification section includes a personal data assistant (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 21, Freeny, Jr discloses wherein said notification section includes a television equipped with a set top box (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 22, Freeny, Jr discloses further including a comparator section wherein said comparator section compares characteristics of financial transactions received from said at least one point of sales terminal to said one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 23, Freeny, Jr discloses wherein notifications are sent to said at least one customer using said notification section if said financial transaction characteristics exceed said one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 25, Freeny, Jr discloses wherein said at least one customer account belonging to said at least one customer is suspended if said financial transaction characteristics exceed said one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 26, Freeny, Jr discloses a method for reducing financial transaction risk comprising;
establishing networking communications between a client and a financial services server by at least one customer wherein said financial services server is in processing communications with at least one point of sales terminal, accessing an account on said financial services server owned by said at least one customer, entering one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47) comparing a characteristic of a financial transaction received from said at least one point of sales terminal to said

Art Unit: 3696

one or more customer transactions, sending notification to said at least one customer if said financial transaction characteristic exceeds said one or more customer preferences, requesting authorization of said at least one customer if said financial transactions exceed said one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

Freeny, Jr fail to explicitly teach explicitly teach said one or more customer preferences includes notification methods and said system comprises a notification section for performing said notification methods, said notification methods further includes authorization methods and said system further comprises an authorization section for performing said authorization methods, and authorization requests are sent to said at least one customer using said notification section if said financial transaction characteristics exceed said one or more customer preferences.

However Tsiounis discloses if payment with a payment tender type was not preauthorized, PT Server 140 gets the customer's confidential payment information and the transaction information (step 440) and verifies the information (step 445). PT Server transmits the customer's confidential payment information to Transaction Processor (FIG. 3, step 34). Transaction Processor receives payment requests from PT Server 140 (and in some cases, from PAN Server 120), and redirects them to the financial institution that issued the chosen payment tender. The financial institution verifies the Transaction in real time and sends the request back to Transaction Processor. If the funds are available to clear the transaction, Transaction Processor authorizes payment and informs PT Server (FIG. 3, step 35) (see column 4-5 para 0052 and column 6 para 0063, 0068, and column 8 para 0088).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Freeny, Jr to include said one or more customer preferences includes notification methods and said system comprises a notification section for performing said notification methods, said notification methods further includes authorization methods and said system further comprises an authorization section for performing said authorization methods, and authorization

Art Unit: 3696

requests are sent to said at least one customer using said notification section if said financial transaction characteristics exceed said one or more customer preferences taught by Tsiounis in order to provide a plurality of servers on a network to perform separated or isolated image processing desired by a user, wherein the communication system and the method make it possible to improve the speed of image processing on a network platform at reduced costs

As per claim 27, Freeny, Jr discloses further including the step of authenticating said customer to said financial services server (see column 4 lines 32-67 and column 6 lines 18-65 and column 7-15 lines 1-67).

As per claim 28, Freeny, Jr discloses wherein said networking communications includes using the Internet (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 29, Freeny, Jr discloses wherein said networking communications includes using a public telephone service network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 30, Freeny, Jr discloses wherein said networking communications includes using a cellular telephone network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 31, Freeny, Jr discloses wherein said networking communications includes using a cable television network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 32, Freeny, Jr discloses wherein said one or more customer preferences includes transaction limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 33, Freeny, Jr discloses wherein said one or more customer preferences includes authorization limits. (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 34, Freeny, Jr discloses wherein said one or more customer preferences includes account suspension limits (see column 6 lines 38-48 and column

Art Unit: 3696

13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 35, Freeny, Jr discloses wherein said one or more customer preferences includes single transactions. (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 36, Freeny, Jr discloses wherein said one or more customer preferences includes cumulative transactions. (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47). As per claim 37, Freeny, Jr discloses wherein said one or more customer preferences includes an applicable time period (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 38, Freeny, Jr discloses wherein said notification is performed through a cellular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 39, Freeny, Jr discloses wherein said notification is performed through a pager (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 40, Freeny, Jr discloses wherein said notification is performed through a regular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 41, Freeny, Jr discloses wherein said notification is performed through a electronic mail (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 42, Freeny, Jr discloses wherein said notification is performed through a personal data assistant (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 43, Freeny, Jr discloses wherein said notification is performed through a television equipped with a set top box (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

Conclusion

4. Applicant's arguments filed 7/23/2008 has been fully considered but they are moot in view of new grounds of rejections.
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3696

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/
Primary Examiner, Art Unit 3696

CG

Nov 06, 2008